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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,876	08/08/2001	Charles E. Bucher	PC-883DIV	3324

23717 7590 01/27/2004

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EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT PAPER NUMBER

3745

DATE MAILED: 01/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/924,876

Applicant(s)

BUCHER ET AL.

Examiner

Christopher Verdier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-7, 20, 23-25, 27, 28, 30 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-7, 20, 23-25, 27, 28, 30, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 4, 32, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8-8-01, 6-2-03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152).
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 8, 2004 has been entered.

Applicants' Amendment dated January 8, 2004 has been carefully considered but is deemed non-persuasive. The specification has been amended to remove the references to the patent applications, which incorporated new matter as set forth in the previous Office action. The amendment to the specification to claim priority based on U.S. application 09/390,098 is acceptable. The substitute oath/declaration is acceptable. Correction of the above matters is noted with appreciation.

Applicants' argument that the independent claims 1, 20, and 28 have been amended to recite a protruding member in a keyhole slot, and define over Blateri '276 are persuasive. Applicants' argument that section 102(e) requires the reference being applied must be to "another filed in the United States before the invention by the Applicant", and that Wu 5,951,197 does not qualify as a reference "by another filed in the United States before the invention by the Applicant" because the instant application and Wu '197 are owned by the same assignee, is not persuasive. MPEP 2136.04 explains that if there is any difference in the inventive entity, the reference is by "another". The fact that there may be a common assignee does not alter the fact

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that Wu '197 is by "another". Applicants have argued that at most the claims should have been rejected on obviousness type double patenting based on Wu '197, not under 35 USC 102(e), and that a copy of the recorded assignment shows that Wu '197 and the instant application are owned by the same assignee, and have cited MPEP 706.02(1)(3). These arguments are not persuasive, because the mere fact that copies of the assignments have been provided does not establish common ownership at the time the invention was made. MPEP 706.02(1)(2). Either the Applicants or attorney must include a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. Therefore, the guidelines set forth in MPEP 706.02(1)(3) were followed which state that it is to be assumed that the patent and application are not commonly owned, and there is no requirement that a double patenting rejection be made. However, if Applicants include a satisfactory statement that the application and the reference were, at the time the invention was made, commonly owned, then applicants could be invited to file a terminal disclaimer to overcome any potential double patenting rejections.

Applicants' arguments that figure 3 of the Wu '197 reference show that Wu acknowledges that U.S. Patent 6,010,306 filed by the same inventors and assignee as that the instant application shows that the use of protruding members in keyhole slots was accomplished by the parent application upon which the instant application claims priority benefit is not persuasive. The effective filing date of the claimed subject matter of the instant application is September 24, 1999. The claims of the instant application pertain to the subject matter of the protruding member and keyhole slot for attaching the connecting end of the mounting arm to the rotating

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member. Figure 3 of Wu '197 does not disclose this feature. Furthermore, Wu '197 (figures 7-9) still qualifies as a reference under 35 USC 102(e) by "another filed in the United States before the invention by the Applicant".

Applicants' argument that amended claims 1, 20, and 28 define over Wu 5,954,449 because these claims recite a protruding member in a keyhole slot are persuasive. Applicants' other arguments pertaining to Wu '449 are not persuasive for the reasons set forth above, but are moot in view of the above added claim limitations to claims 1, 20, and 28.

Drawings

New corrected drawings are required in this application because the proposed drawing changes of August 8, 2001 and June 2, 2003 have been approved by the examiner. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

Claims 1, 4-7, 32, and 36 are objected to because of the following informalities:
Appropriate correction is required.

In claim 1, line 7, "," should be deleted.

In claim 36, the last line should end with a period.

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 33, line 2, "a second keyhole member" is inaccurate and should be changed to -- a second protruding member --.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5-7, 20, 23-25, 27-28; and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu 5,951,197 (figures 7-9). The effective filing date of the claimed subject matter of the instant application is September 24, 1999. Note the detachable blade arm 40 for a ceiling fan comprising a ceiling fan motor 30 with rotating member 30a, with the blade mounting arm 40 having a connecting end 41 connected to the rotating member 30a, and a protruding member 35 and a slot 45, which is a keyhole shaped, for attaching the connecting end of the

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mounting arm to the rotating member 30a by allowing the mounting arm to slide onto and lock with the rotating member. The protruding member 35 is located on the rotating member 30a and the slot 45 is located on the end of the mounting arm. Note deformable means 35 located between the end of the mounting arm and the rotating member. Note spring means 42 for locking the second end of the mounting arm to the rotating member 30a. The recitation in claim 6, lines 2-3 of "a deformable means between the second end of the mounting arm and the rotating member for vibration isolation and enhanced fit" invokes 35 USC 112, sixth paragraph. The deformable means 35 disclosed by Wu '197 located between the end of the mounting arm and rotating member is identical to Applicants' disclosed deformable means 130. The recitation in claim 7, line 2 of "spring means for locking the second end of the mounting arm to the rotating member" invokes 35 USC 112, sixth paragraph. The spring means 42 disclosed by Wu '197 performs the identical function of locking the end of the mounting arm to the rotating member, no explicit definition in Applicants' specification excludes the spring means 42 of Wu '197 as an equivalent, and the spring means 42 of Wu '197 performs the same function in substantially the same way and produces the same result. Therefore, the spring means 42 of Wu '197 is considered to be an equivalent to Applicants' disclosed spring means 140. Wu also discloses a method of attaching detachable blade arm 40 to the ceiling fan motor 30, comprising positioning an end of a blade arm 40 about an unnumbered fastening portion on the ceiling fan motor housing, sliding the blade arm away from the ceiling fan motor, and locking the blade arm to the ceiling fan motor, with the positioning step including positioning a protruding member 35 into a keyhole slot 45, and with the step of sliding including sliding the protruding member, with the step of locking including locking the blade arm to the ceiling fan motor by centrifugal force (the

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centrifugal force generated by rotation of the ceiling fan motor will bias the blade arms 40 radially outwardly, thereby inherently additionally locking the blade arm by centrifugal force), with the step of positioning including the step of positioning an end of the blade underneath the ceiling fan motor housing (see column 4, lines 8-17). Element 35 is considered to be an enlarged headed fastener. The element 35 provides vibration isolation between the arm and the ceiling fan motor. Wu discloses a protruding member 35 which fits into keyhole slot 45, for fastening the inner end of a blade arm 40 to the rotatable portion 30a of the fan housing by pulling the blade arm away from the motor housing. The protruding means 35 is broadly in the form of an enlarged head fastener.

Allowable Subject Matter

Claims 4, 32, and 35-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 33-34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (703)-308-2638. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (703) 308-1044. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

C.V.
January 23, 2004

A handwritten signature in black ink, appearing to read 'Christopher Verdier', written in a cursive style.

Christopher Verdier
Primary Examiner
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